

U.S. Serial No. 10/666,356
Reply to Office Action of: September 19, 2006
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ARGUMENTS

U.S. Patent No. 6,140,282A ("Cartwright") does not disclose an ashless dihydrocarbylthiocarbamoyl antioxidant. Since all the claims now require this limitation, the claims are distinguished from the Cartwright reference and from the other prior art as documented in the previous office action response.


Examiner had made the office action final despite previously reaching agreement in the interview as shown in the interview summary. Examiner used the final rejection to deny applicants request for an interview to discuss and reach agreement regarding the new grounds for rejection. While the Examiner may make a new grounds of rejection final if necessitated by an amendment under MPEP §706.07(a), this amendment was done in an interview to place the application in condition for allowance. MPEP §706.07 states, "The applicant who is seeking to define his or her invention in claims that will give him or her patent protection to which he or she is justly entitled should receive the cooperation of the Examiner to that end, and not be prematurely cut off in the prosecution of his or her application." In addition, MPEP §706.07(a) states "A second or any subsequent action on the merits on any patent application ... should not be made final if it includes prior art not of record of any claim amended to include limitations which should reasonably have been expected to be claimed." See MPEP §904 *et seq.* The amendments were clearly due to a typographical error as stated in the amendment. Since it would have been reasonably expected that these limitations be claimed and the applicants reached agreement with the Examiner by amending the claims, applicants believe it is unreasonable to make the outstanding office action final. Applicant respectfully request that Examiner withdraw the final office action and allow applicants an interview if the Examiner chooses not to allow the case based on this amendment and response.

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Applicants have addressed all the rejections in the amendments and arguments.
Accordingly, applicants respectfully request the Examiner allow the application.

Respectfully submitted,



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☒ Pursuant to 37 CFR 1.34(a)

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GPK:sbf
10/3/06